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*Attorneys for Nominal Defendant Facebook, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE FACEBOOK, INC. SHAREHOLDER  
DERIVATIVE PRIVACY LITIGATION

This Document Relates To:  
  
ALL ACTIONS

LEAD CASE NO. 4:18-CV-01792-HSG

ASSOCIATED CASES: NOS. 4:18-CV-  
01834-HSG, 4:18-CV-01893-HSG, 4:18-CV-  
01929-HSG, 4:18-CV-02011-HSG

**DECLARATION OF BRIAN M. LUTZ IN  
SUPPORT OF FACEBOOK, INC.'S  
REPLY IN SUPPORT OF ITS MOTION  
FOR PERMANENT INJUNCTION OF  
STATE PROCEEDINGS**

**Hearing:**

Date: January 9, 2020  
Time: 2:00 p.m.  
Location: Courtroom 2, 4th Floor  
Judge: Hon. Haywood S. Gilliam, Jr.

Date First Action Filed: March 22, 2018

1 I, BRIAN M. LUTZ, declare and state as follows:

2 1. I am an attorney duly licensed by the State Bar of California and admitted to practice  
3 before this Court. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, and I represent  
4 Nominal Defendant Facebook, Inc. ("Facebook") in the above-captioned case. I make this Declaration  
5 in support of Facebook's Reply in Support of its Motion for Permanent Injunction of State Proceedings.  
6 I have personal knowledge of the facts stated in this Declaration and, if called upon, could and would  
7 testify competently thereto.

8 2. On August 13, 2019, I wrote to Plaintiffs' counsel asking whether they had any  
9 involvement in the State Court Action prior to Facebook filing its Motion for Permanent Injunction of  
10 State Proceedings. Plaintiffs' counsel never responded to my inquiry. Attached as **Exhibit 2** is a true  
11 and correct copy of this correspondence.

12  
13 I declare under penalty of perjury that the foregoing is true and correct. This Declaration is executed  
14 on this 15th day of October, 2019, at San Francisco, California.

15 By: /s/ Brian M. Lutz  
16 Brian M. Lutz  
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**ATTORNEY ATTESTATION**

I, Orin Snyder, am the ECF User whose identification and password are being used to file the foregoing document. Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained.

Dated: October 15, 2019

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Orin Snyder

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